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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRWP-8361-2024**Date of Decision: August 30, 2024****CHHOTU ALIAS KALA****.....Petitioner(s)****V/S****STATE OF HARYANA AND OTHERS****.....Respondent(s)****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Krishan Singh, Advocate
for the petitioner.

Mr. B.S. Virk, Senior DAG, Haryana.

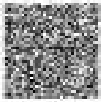
SANDEEP MOUDGIL, J.(ORAL)

Instant petition has been preferred assailing the order dated 12.08.2024 (Annexure P-6) in compliance to the directions of this Court dated 02.08.2024 passed in CRWP-6866-2024.

It is the case set up in the instant petition that the petitioner was earlier released on two occasions on temporary parole after registration of FIR No.40 dated 09.01.2022 under Section 42 of Prison Act and has surrendered before the jail in time without any default.

Perusal of the impugned order dated 12.08.2024 Annexure P-6 would reveal that yet again Superintendent of Jail, Central Jail-1, Hisar has declined the relief to the petitioner-convict Chhotu @ Kala s/o Dalip on the premise that he has not completed 05 years after committing the jail offence on 19.01.2022 and therefore on that account he could not be extended the

concession of parole any further.



This reason given by the Superintendent of Jail, Central Jail-1, Hisar does not find weight with this Court as the petitioner by no stretch of imagination would not fall within category of hard core prisoner as has been held by this Court in CWP-1980-2018 decided on 08.08.2018 and the Full Bench judgment passed by this Court in *Kulwant @ Monu vs. State of Haryana* CRWP-1890-2020 decided on 31.01.2024 along with CRWP-11312-2023 and hence, the order is therefore, not sustainable which suffers material illegality and infirmity and the same is set aside. The petitioner is therefore directed to be released on parole.

However, the application/representation seeking temporary release/parole under Section 3 of Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 is not placed on record before this Court but it has been argued while referring to the pleadings raised in the instant petition that he is entitled to 10 weeks parole to meet his family after being in custody since 2007.

Be that as it may, having heard to the assertions made before this Court and the pleadings having been examined on record, the petitioner is directed to be temporarily released on parole for a period of 04 weeks subject to his furnishing bail/surety bonds to the satisfaction of Chief Judicial Magistrate, Duty Magistrate with effect from day after tomorrow i.e. 01.09.2024 who shall surrender to the Superintendent of Jail, Central Jail-1, Hisar by 5 PM on 30.09.2024 positively.

In the light of above, petition is allowed.

(SANDEEP MOUDGIL)
JUDGE

30.08.2024
Sangeeta